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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,021	12/31/2003	Christopher Bohn		2170

7590  
Christopher Bohn  
134 Woodbine Drive  
Mill Valley, CA 94941

EXAMINER
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PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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01/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/751,021

**Applicant(s)**

BOHN, CHRISTOPHER

**Examiner**

CESAR B. PAULA

**Art Unit**

2178

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 13-20, 26 and 28-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12, 21-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed on 7/28/2008.

**This action is made Final.**

2. In the amendment, claims 1-30 are pending in the case. Claims 1-5, 13-20, 26, and 28-30 have been withdrawn. Claims 1, 6, 21-22, and 27 are independent claims.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The specification refers to steps 105, 110, 115, 120, 125, 130, 135, 140, and 145 of fig. 2 (pages 9-10). These steps are not found in the latest fig.2. However steps 105a, 110a, 115a, 120a, 125a, 130a, and 140a, are found in the new fig.2. Steps 135, and 145 could not be found in the drawings. Fig. 2 (filed on 12/31/2003) was replaced with a new fig. 2 on 11/3/2004. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The reference numbers found in figs. 1a-5 are not found in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification***

5. The disclosure is objected to because of the following informalities: The brief description of the drawings does not contain a brief description for each and every figure in the drawings.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6-11, and 22-25 remain rejected under 35 U.S.C. 102(b) as being anticipated by Musicbrainz.org website, "Introduction, How Does Musicbrainz Work, Metadata Initiative", <http://archive.org>, 1/2001.

Regarding independent claim 6, Musicbrainz discloses taking audio track information entered by users—*third parties*-- and uploading it to a musicbrainz database network on the Web. If users or music companies use a media file known to the database in their computer, a player downloads, and displays the information from the online database, and allows the users to browse the displayed information -- *a) obtaining the metadata of a digital media file; b) transmitting the metadata to a central server; c) using the metadata to correlate content with the digital media file or copy thereof; d) Displaying content correlated to a specific digital media file by third parties to others when listening to or viewing that specific digital media file or copy thereof*-- (pages 1-2).

Regarding claim 7, which depends on claim 6, Musicbrainz discloses that if someone uses a media file known to the database in his computer, a player downloads the information

from the online database -- *creating a plug-in enhancement to a digital media player, the plug-in obtaining the metadata of the digital media file* -- (page 1).

Regarding claim 8, which depends on claim 6, Musicbrainz discloses that if the users use a media file known to the database in his computer, a player downloads the information entered into the database, from the database, and allows the user to browse the displayed information-- *a) associating operator content with a digital media file; b) displaying content that has been associated with the digital media file by third parties* -- (pages 1-2).

Regarding claim 9, which depends on claim 6, Musicbrainz discloses that if someone uses a media file known to the database in his computer, a player downloads the information from the online database, and allows the user to browse the displayed information-- *a) retrieving content resources associated with a particular digital media file; b) displaying the content resources associated with a digital media file*-- (pages 1-2).

Regarding claim 10, which depends on claim 9, Musicbrainz discloses using a file signature to lookup related information in the database-- *using the metadata obtained from the digital media file as parameters in a database query to retrieve content resources associated with the digital media*-- (page 1).

Regarding claim 11, which depends on claim 9, Musicbrainz discloses browsing the metadata found on the database using a web browser-- *the server computer transforming the*

*content resources, once retrieved, into a format suitable for access on the client computer and transmitting the content resources to the client computer--* (page 2). In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed.

Claims 22-25 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 7-10 respectively, and therefore are similarly rejected.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 12, and 27 remain, and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Musicbrainz, in view of Roberts et al (Pat. # 5,987,525, 11/16/1999).

Regarding claim 12, which depends on claim 9, Musicbrainz discloses browsing the metadata found on the database using a web browser (page 2). In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed. Musicbrainz fail(s) to explicitly disclose: *the format used to display the content resources is a WebPipe, the WebPipe being an apparatus for navigating through a set series of URL-addressed resources optionally with additional content authored by third parties.* However, Roberts



teaches the display of a web page containing urls, which a user can potentially navigate to, to information related to a cd that is playing on a user's computer (col.6, lines 24-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Musicbrainz, and Roberts, because of all the reasons found in Roberts including allowing entertainment to be meaningfully interactive (col. 1, lines 50-67).

Regarding claim 21, which is directed towards the limitations found in claim 6 except for Musicbrainz *obtaining hyperlinks*. However, Roberts teaches the display of a web page containing urls, which a user can potentially navigate to, to information related to a cd that is playing on a user's computer (col.6, lines 24-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Musicbrainz, and Roberts, because of all the reasons found in Roberts including allowing entertainment to be meaningfully interactive (col. 1, lines 50-67).

Claim 27 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 12, and therefore is similarly rejected.

#### ***Response to Arguments***

10. Applicant's arguments filed 7/28/2008 have been fully considered but they are not persuasive. The Applicant is directed towards the rejection of the claims above.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The Examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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1/6/2009